

# OPERATOR MADDOX ADMITS HE VIOLATED IMPORTANT RULE

(Continued From First Page.)

was carefully listened to by all in attendance.

## Hearing in Detail.

The commission convened at 11:35 A. M. and after the orders had been read by Judge Crump calling for the inquiry, General Superintendent E. H. Chapman, of the Northern District of the Southern, took the stand as the first witness.

Asked about the block system used by him, Mr. Chapman said:

"I am, Mr. Chairman, to Spencer, N. C. we operate what is known as the Manual block system."

"The rules are printed in our work-book time-tables."

Questioned by Commissioner Willard, witness said the Manual system was an absolute block. He was handed a time-table, which he declared was a copy of the one in effect on his road on November 23, 1906. Witness declared on this time-table the printed rules governing the employees with reference to the block system.

"Now, Mr. Chapman, are these all the rules issued by your company on the subject?" asked Commissioner Willard.

"Yes, sir," Mr. Chapman replied. "The rules as they now stand, I do not believe have been modified in any way whatsoever."

Witness said the block sheets used at the stations involved in the wreck had, by mistake, been left in Washington. There had been sent for, however, and would be here later.

Operator H. S. Finch, of Wilmer, was sworn and questioned by Commissioner Willard. Witness could not recall exactly what time either first or second 27 passed Wilmer on the morning of the wreck.

Train Dispatcher Charles D. Thornton was introduced and questioned by Commissioner Willard.

He was on duty at Greensboro on the morning of the wreck, and that portion of the track, where it occurred, was under his control.

Witness knew of no modification of the block system rules as set out on the back of time-table No. 10.

## Operator on Stand.

Mr. G. D. Mattox, who was the operator at Rangoon, now took the stand, and told his story, being questioned first by Judge Crump.

He said he was twenty-two years of age, and had been with the company two years. He had been operator at Rangoon about twelve months.

There were two operators, and they worked from 7 to 1 o'clock.

"When I did not exchange with the day operator, I was always on at night," he said.

"I was operator at Hurt, Va., on the main line of the Southern before I came to Rangoon."

"You were on duty at Rangoon on November 23, were you not?"

"I was from midnight until 7 o'clock in the morning."

"That kind of a house have you at Rangoon?"

"A regular switchtower."

"Is it elevated?"

"No, sir. It is right on the ground."

"Is there an agency at Rangoon?"

"No, sir. It is neither a passenger nor a freight station."

"That is the end of one of the blocks on your road, isn't it?"

"Yes, sir."

"What is the length of the block south of Rangoon?"

"I think it is 2.4 miles."

"What is the next block south?"

"Lawyers."

"What is the next block north?"

"Wilmer."

"Your chief duty was as night operator in connection with the block system, was it not?"

"Yes, sir."

"What would you have done had No. 27 been on time on November 23rd?"

"I would have put a clear block for it, and let it go on. If I could not have put a clear block, I would have stopped the train."

"What occurred between you and the operator at Lawyers when you saw No. 27 approaching on the morning of November 23rd?"

"The operator at Wilmer had reported the block to the north clear, and I asked Lawyers for a clear block to the south. He reported the block clear, and I let No. 27 go."

"Was No. 27 stopped at all at Rangoon?"

"No, sir."

Witness said first 27 was the next train reported in the block north of him, and that was only a few minutes after No. 27 had passed Rangoon.



## WHIZ! ZIP!

Santa's getting ready for his grand slide.

The days between Christmas are sliding on. Buy today, while assortments are in full bloom. The longer you wait, the narrower your choice.

For yourself—a correctly cut Sack Suit or Overcoat that the best tailor couldn't better—\$15 to \$25.

For a relative or friend—Ties, Handkerchiefs, Collars, Socks, Shirts, Mufflers, Suspenders, Gloves, Umbrellas or Sticks.

For a boy—Suits, Long O'Coats, Reefers, Sweaters, Shoes, Stockings, Woolen Gloves or Caps.

For man or boy—Everything he wears, of latest cut and in designs that have no "me-too's."

## JACOBS & LEVY.

Before you took charge of the office at

"Eight months."

"When you went on as operator at Hurt where you left alone to do the work?"

"Yes, sir."

In answer to searching questions, witness repeated time and again that he had never had any experience except that gained at Hurt, where he learned under the operator, and that when he took the office he had never sent a commercial message.

## Made a Mistake.

"Have you ever been laid off?" he was asked.

"One time only."

"When?"

"Last March."

"For what?"

"For stopping the Palm limited by mistake."

"Have you been before the authorities of your road for neglect of duty?"

"Only once. That was last year, and the trouble grew out of a misunderstanding with the day operator. We had been swapping time, and he said I was not working for him as much as he worked for me."

"How large is the building at Rangoon?"

"It is a one-story tower, either eight by ten or ten by twelve feet."

Commissioner Willard asked witness about the details of the passing of the trains involved in the wreck on the morning of November 23rd, and the operator went over it all again, and told the story as he had presented it under Judge Crump's questioning, his recollection seeming to be perfectly clear as to the entire affair, except that he could not recall the exact minute upon which various things took place. Witness said after 27 had been given the block between Rangoon and Lawyers, he gave Wilmer the block north of Rangoon for the first 27. He did this without leaving his key. He declared emphatically that the operator at Lawyers reported that 27 was "No. 27" before he let first 27 in the block, but the operator at Lawyers did not give him the time.

"First 27 was close to Rangoon," he said, "and I did not want to stop her. I asked Lawyers if 27 was 'No. 27' and he answered it was. I asked him for the time, but he never gave it to me. That was why I could not make my block sheet complete. I gave Lawyers the time of the passing of 27 by Rangoon, but he closed his key, and did not give me his time."

"What was the last entry you made on your block sheet on the morning of November 23rd?"

"It was that second 27 had arrived. I stopped her there after the trouble."

"Did you have any communication with the operator at Lawyers after the wreck?"

"He called me up and said: 'You have played me.' I told him it was him, instead of me."

## Failed to Send "O. K."

Commissioner Stuart now took the witness in hand, and the latter admitted that the rules require that the operator at the other end of a block, in which a train is about to enter, shall send block "O. K." before the train shall be allowed to enter.

Witness said he had failed to send "O. K." as some occasions himself and had known others to fail.

"You sent 'O. K.' to the operator at Wilmer after 27 was by Rangoon, now don't you think it was equally important that you should have had 'O. K.' from Lawyers before you let 27 in?"

"Yes, sir. I think so, but Lawyers didn't give it to me."

"Do the rules of your company allow operators to exchange work at will?"

"Whether the company objects or not, it is the practice."

Witness said he had worked for more than twelve hours at a time on several occasions.

It developed from his testimony that the day operator, Mr. Clemmer, ex-

changed with him the night previous to the wreck, and that although Clemmer had worked for witness from 7 P. M. until midnight he went on the next day at 7 A. M., and worked all day.

"Where had you been that night, Mr. Mattox?" asked Mr. Stuart.

"I was at home."

It developed here that a brother of Mattox and the day operator had been in the tower with him at times during the night.

"Are there any rules of your company?" asked Mr. Stuart, "prohibiting operators from receiving company in their towers while on duty?"

"I know of none."

"Are you in the habit of having people in the tower with you while at work?"

"Not strangers. Sometimes my brother comes in and sometimes the day operator stays over a while after he is off duty."

"Have you ever been accused of having people with you in the tower when on duty?"

"No, sir."

"Have you ever heard of any one else being so accused for this?"

"No, sir."

"Did you ask any one to allow you to go to this box party?"

"Only arranged with the day operator."

"Did this operator, who had been on duty for you until 12 o'clock at night, go on at 7 o'clock the next morning and stay until 7 o'clock at night?"

"No, sir."

"Is there anything about the physical construction of that tower which makes it difficult for you to handle trains at Rangoon?"

"The trains get pretty close before you can see them."

"There are sharp curves north and south, and a train cannot be seen over seventy-five yards."

"What was your salary?" asked Commissioner Willard, resuming.

"It was \$50 per month."

"When you came back to relieve Mr. Clemmer, the day man, who was working for you that night, did you report to any one?"

"No, sir."

Commissioner Willard again questioned witness about the letter first 27 in the block before he could secure the time 27 was "No. 27" Lawyers. The latter seemed to be a great stress upon the fact that second 27 was rapidly nearing Rangoon and he didn't want to stop it.

"Is it the custom to proceed in this way?"

"It is the first time I ever did it, and I'll never do it again."

The attention of the witness was called to a rule forbidding the presence of outsiders in the block towers, and he said he had no recollection of ever having seen a rule of that kind.

He said he never had the attention directed to it, and was sure superior officers of the Southern had seen outsiders in block towers with operators. At this point the commission took a recess until 3 o'clock.

## AFTERNOON SESSION.

### Commission Hears More About How Wreck Occurred.

When the commission reconvened, Mr. Thom insisted upon cross-examining Mr. Mattox, but the commission decided to go on, and allow Mr. Thom to take the witnesses later.

The attorney for the Southern pleaded and protested, but the commission declared that it had been determined to proceed along the lines indicated, but that Mr. Thom would have ample time for his examination.

Mr. R. J. Jacobs was the first witness put on at the afternoon session. He was the operator at Lawyers on the morning of the wreck. He said he had been an operator for over three years, and is now about twenty years old.

"How does your train sheet show in regard to No. 27 on the morning of November 23rd?" Judge Crump asked.

"Nothing," was the reply.

"How long before the wreck had you had any message from the operator at Rangoon?"

"I had heard nothing from him for more than half an hour, until he asked me for the block for first 27."

"About what time was this call?"

"It was 6:30 A. M."

"What was the next communication you had with him over the wire?"

"About half an hour after the wreck I called him up and told him he had 'played me.'"

"What did you mean by this?"

"I meant that he had made a mistake somewhere. The last message I got from the operator at Rangoon was that first 27 had passed into the block at that station. When I was told that first 27 had passed Rangoon I had had no communication from anywhere as to the whereabouts of No. 27."

"Does your train sheet for that day show anything whatever concerning No. 27?"

"Nothing whatever."

"How old were you when you were examined to be an operator?"

"Seventeen years."

"Have you ever sent any commercial messages?"

"No, sir."

"Have you ever received any instructions which are in conflict with the rules set out in the book of rules?"

"No, sir."

"Were you ever hauled up before the authorities for any purpose?"

"Yes, sir, once."

"What for?"

"They said it was sleeping, but it was wire trouble."

"What is your salary?"

"Fifty dollars."

"Do you and the day operator at Lawyers ever exchange work?"

"Sometimes."

"When you were day operator at Rangoon, did you and Mr. Mattox sometimes exchange work?"

"Yes, sir."

## Both Were Late.

Asked by Judge Crump why it was that when he was told by the operator at Rangoon that first 27 had been let in the block, his attention was not been directed to the fact that 27 had not been reported, witness said both were late, and that 27 being the fastest train, was often run around 22.

Mr. Stuart questioned the witness rigidly concerning the tests sheets kept in his office, and the latter said that he always tried to keep his in proper shape.

Mr. J. M. Grossman, the operator at Delmont, was examined. He was questioned by Commissioner Willard, but could throw little light on the subject.

He said the dispatcher had asked him for 22, and he had answered "Not yet" in railroad language. He heard the dispatcher over the wire ask Lawyers the same question, and get the same answer. He then heard a little later of the wreck.

Mr. H. S. Finch, operator at Wilmer, was recalled and questioned briefly by Commissioner Willard.

He said he heard the dispatcher calling Rangoon after he had reported that 27 was "No. 27" Wilmer, but did not recall hearing Rangoon answer.

Mr. G. D. Mattox, being recalled, was asked by Judge Crump if he had reported No. 27 to the dispatcher as soon as it passed Rangoon.

"I did not," was the reply. "I could not get the wire then and I reported 22 and 27 both the same time."

Mr. Thom now took the witness and read to him rule 113 regarding the operation of trains within a block. He questioned him as to this one and his actions thereunder, and then read another regarding the operator to stop a train as

his block when he cannot get the time the one goes by the next station.

"If you had obeyed those two rules, would this accident have happened?" asked Mr. Thom.

"No, sir," answered the witness sorrowfully, twisting his fingers nervously.

## Out of Office.

"Weren't you out of your office when the flagman of 27 came back and informed you of the wreck?"

"No, sir."

"Who was in your office?"

"My brother."

"By whose authority?"

"I told him to stay there until I returned."

"Did you go to the wreck?"

"No, sir."

"Why not?"

"Because I didn't feel like it."

"Did you feel responsible for it?"

"No, sir."

"Did you report the matter to any official of the company?"

"No, sir."

"Did you seek any of the people in authority over you?"

"I did not."

"Did the engineers of the two trains blow the signals when approaching your station?"

"Yes, sir."

"How did you answer them?"

"I changed the signal from red to white in their presence."

Mr. Thom read after rule, and asked the witness if he was not aware of them. In most cases he said he was. "You've been asked about your salary. Don't you get any extras?" asked the lawyer.

"No, sir; I don't get anything extra."

Mr. Jacobs, the operator at Lawyers, was recalled, and was briefly questioned by Mr. Thom. He denied emphatically that he had ever told Rangoon that No. 27 was "No. 27" Lawyers, and said no part of it ever got out.

Mr. Mattox was recalled, and he admitted that he had asked for the block before inquiring as to the whereabouts of 27, which had passed into the block.

The Wilmer and Evinston operators were recalled, and from them Mr. Thom got their understanding of the rules to be that an operator has no right to ask for the block ahead until his block sheet shows that it is clear, and the time when the train ahead passed the next station.

Mr. L. Clemmer, the day operator at Rangoon, testified that he had been with the Southern about eighteen months. He is eighteen years of age, and gets \$50 per month, and twenty-five cents extra when he works his dinner-hour.

He testified that he worked for Mattox on the night of the wreck, and was on duty from 7 P. M. to midnight, and remained in the office until 6 A. M., when he went to breakfast.

Witness heard nothing over the wire after he went to duty, except the call for the block for No. 27, which was given by Lawyers. He said when he left the office for breakfast the brother of Mattox came in.

Mattox sent his brother over to let him know of the wreck, and he came back to the office at once.

Mr. Stuart asked the witness many questions about exchanging work with his associates, and he said he didn't mind working eighteen out of twenty-four hours.

He said while the tower was only about ten by twelve, it was the only place for passengers to wait, and Rangoon was a flag station for local trains.

Witness was questioned by Mr. Thom, and he admitted that he had advised Mattox after the wreck to go home, but he denied that he was attempting to shield him.

Brother on Stand.

Mr. Robert Mattox, a brother of the night operator at Rangoon, testified that he went to the tower after Clemmer left on the morning of the wreck.

Witness said he had been studying telegraphy at Rangoon for some time, and that he had a pretty clear idea of the block system.

He heard his brother ask Lawyers for the block first 27, and it was given him. His brother then asked when 27 was "No. 27" Lawyers. Lawyers answered, "27 by," but did not give the time.

He said his brother was going to work for the day operator, but he didn't feel like it after the wreck, as he was "so unwell."

Witness told Mr. Thom on further examination, that he did not tell any one where his brother was, because it was said there was a mob out for him.

Dispatcher Thornton, who had formerly testified, was recalled, and he corroborated the statements made by the operator at Lawyers concerning their telegraphic communications about No. 27.

He had had trouble in getting Rangoon, and finally the operator there, in answer to a question as to why he had let 27 in when 27 was "No. 27" Lawyers, declared he had sent for the day man to take charge of Rangoon because Mattox was so "shaky," he was afraid to trust him.

Mr. Albert Farmer was now put on. He was in the station at Lawyers the night of the wreck. He came up from Lynchburg on a late train, and spent the rest of the night in the station. He testified that the operator was awake all the while, and seemed attentive to his duties.

The evidence of this witness was not material.

When he was excused, a recess was taken until 8:15 o'clock P. M.

## NIGHT SESSION.

### Engineer Who Ran Into No. 33 Takes Stand.

The night session of the commission convened promptly, and the block sheets having arrived from Washington, Mr. G. D. Mattox was recalled and identified and explained them. Mr. Thom called attention to the fact that the sheet for first 27 was complete as to train up front, but was incomplete as to No. 22. The operators from the other stations involved were recalled and explained and identified their block sheets. Mr. Thornton, the train dispatcher, was put on again, and Mr. Stuart questioned him at length regarding the manner of keeping and returning block sheets.

## Not Very Good.

"I hand you the reports from Evinston and Wilmer," said the commissioner to the witness. "Don't you think they were kept by capable and reliable men?"

"Yes, sir."

"Take these reports from Lawyers and Rangoon and tell me what you think of them, especially the one from Rangoon."

"They don't look very well kept, sir."

"Now, suppose the company had kept up the custom of having these sheets sent to some responsible party, whose duty it was to check them up, do you think such reports would have been approved?"

"No, sir; I do not."

Mr. James Duncan, assistant trainmaster, located at Danville, was sworn. Questioned by Judge Crump, witness said he was in Lynchburg on the morning of the wreck, but went to the scene at once. The first man he saw was the flagman of No. 27, who said his train had been let in the block on No. 22.

Commissioner Willard asked witness if he knew anything of the physical condition of No. 22 when she arrived in Lynchburg, and he said he did not.

"Are your thorough trains not generally late in coming over your division?" asked Mr. Stuart.

"They have been recently."

"That is the cause of this?"

"Heavy traffic, I suppose."

Witness answered Mr. Thom, said Clemmer had denied any knowledge of the wreck, and had said he had worked the night before for Mattox, who had "come to see his girl."

Superintendent J. E. Jones was introduced. He corroborated the testimony of Mr. Duncan as to the latter's conversation with Clemmer, saying Clemmer asserted that he had left Rangoon at 5:30, and knew nothing of what took place over the wire between the operators here and at Lawyers.

## Engineer on Stand.

Mr. W. A. Kenney, who was engineer of first 27, which ran into 22 at Lawyers, testified, and declared the engineer, Rangoon showed red. He blew for signals and he was given a white light. He did not know 27 was just ahead of him. He ran up on the flagman sent back by 22, who was waving him down. He applied the emergency brakes, but could not stop.

"Were you thinking of No. 22?" asked Judge Crump.

"No, sir."

"If you had thought No. 22 was just ahead of you, would you have been more on the lookout?"

"No, sir. I look to the signals given me from the stations when working on a block system."

"Mr. Kenney, have you figured out the cause of the wreck from your standpoint?"

"Well, sir, I don't know that I can say what was the exact cause."

"The man let me in the block on 22 when he ought not to have done it. I was running fifty miles an hour when I was flagged, and when we struck the rear of 22 we must have been going thirty-five miles an hour."

Witness said he had been running engines on the Southern since 1902.

Answering Mr. Stuart, Engineer Kenney testified that he thought the engine was one of the heavy trains on the Southern were too fast, from the standpoint of safety and of running on time.

John Shaw, the colored fireman who was on first 27, followed his engineer on the stand.

Shaw answered most of the questions in noncommittal, and knew but little to throw light on the subject.

Captain M. T. Rush, conductor of 27, testified, and said he ran this train regularly from Washington to Charlotte, N. C. He left Washington on the run in question one hour and fifteen minutes late. Some of this was made up before Monroe was reached, but it was more than lost at Lynchburg. He knew that 22 was ahead of him, but he knew nothing of his exact whereabouts until he was knocked down in the car when the crash came. This was exactly 6:15 A. M.

Witness said he went back to Rangoon to get an engine to pull his cars away to keep them from being burned.

Captain Rush denied that there had been anything like robbery at the scene of the wreck, and said no one had complained to him on the subject.

## In Mr. Spencer's Car.

Flagman Hugh Bell, of No. 37, followed and said as soon as the crash came he went back to flag second 27. He told Mattox to report the wreck at once to headquarters.

Flagman Bennett, of train No. 22, took the stand, and testified as to his connection with the affair. He said when No. 22 broke down he was in Mr. Spencer's car. He went at once to the rear and ran 200 or 400 yards to the rear. He declared that he did flag 27, but the engineer gave no signal in response.

When the engine passed him he threw his red lantern at the cab, but missed it. He went toward Rangoon after the wreck to flag second 27, but met Mr. Bell, who was on the same engine.

Conductor G. W. Loving, of train No. 22, was the next witness. He said he left Washington late, and in leaving Lynchburg was over two hours late. The trouble was caused by the breaking of a coupling on the combination car. He had further trouble at Casey, south of Lynchburg, and when nearing Lawyers his train parted. Witness declared that he knew the danger of being hit by first 27, and he looked back and saw his flagman going toward Rangoon to protect his train. As he was coming to a standstill witness got off, and in a few minutes 27 crashed into her rear.

Captain Loving told of having personally repaired the coupling at Lynchburg, and then he detailed the trouble which occurred at Casey, and finally led to the parting of his train and the rear-end collision near Lawyers.

Mr. Stuart took Captain Loving in hand and questioned him at length, and then he was turned over to Mr. Thom.

Witness was sure his flagman used all proper diligence to protect his train. Mr. Thom intimated strongly by his questions that Captain Loving should have seen the crippled car off either at Lynchburg or at Casey, and that he was told by the car inspector at Casey that it could not be repaired at that time. Captain Loving said he did not think the 22, as he was thought that his repairs to it would be sufficient.

Car Inspector Poe, of Lynchburg, testified that he had found the coupling broken on one of the cars on train 22. He did not think 27 could possibly make the repair properly, so he told Captain Loving he would not undertake it.

He agreed to all of Captain Loving's statements, but went further, and said he advised him to throw the car out.

"Have you authority to order a car out of a train?" asked Judge Crump.

"Yes, sir; these are my instructions from my foreman."